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OFFICE OF SECRETARY

HOWARD HOMONOFF
DIRECTOR
CORPORATE AND LEGAL AFFAIRS

January 26, 1995

William F. Caton, Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

RE: Joint Petition for Rulemaking to Establish Rules for Subscriber Access to Cable Home Wiring for the Delivery of Competing and Complementary Video Services (RM-8380); Ex Parte Filing

Dear Mr. Caton:

These comments are submitted as a follow-up to the January 18, 1995 meeting with Commission staff, among others, in the above-noted matter. I participated in this meeting along with Kevin Casey, Vice President for Engineering for Continental Cablevision's New England/New York region.

On behalf of Continental, I would like to reiterate some of the technical issues which were raised in the January 18 meeting. Perhaps most importantly, the alternative solutions proposed by Liberty would have harmful consequences on competition on the full range of broadband services in the future. The primary solution proposed by Liberty is to fully turnover the cable operator's broadband wire in apartment buildings not at the subscriber's dwelling but at a remote point of entry in an MDU building. But the Commission cannot look at this narrowly from the perspective of one particular video competitor. More significantly, this model would have a devastating impact on the cable operator's ability to act as a competitive telephony provider or deliver any broadband services to that MDU subscriber in the future.

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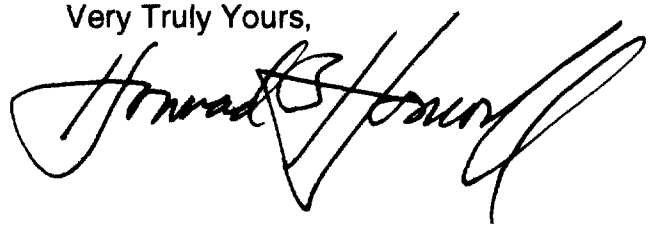
Under Liberty's primary model, a customer would be left with an all-or-nothing approach to broadband services. The customer would choose one broadband wire provider and would not have the option of choosing video from one broadband provider and telephony or online services from another. For Continental, which has already begun providing high-speed access to the Internet through cable in Cambridge, Massachusetts, we would lose the ability to compete for any broadband business once video service was switched. This is not the competitive broadband model which will help drive innovation and consumer choice in the future.

The alternative proposal suggested, to permit the "sharing" of the cable broadband wire outside the residence, is today neither technologically nor economically feasible. And easy comparisons to the telephone network are not applicable here. For example, the telephone network consists of a simple Direct Current (dc) signal and is only "live" when it is being used for calls. In addition, the signals on narrowband telephone networks are extremely robust, operate at a low frequency and are immune to such interference from outside signals. By comparison, a cable broadband network operates by modulating many discrete "carriers" into a single composite signal which is transmitted constantly to all users. Even if a portion of the bandwidth were "unused" for a time by the cable operator, the services on the remainder of the band would be adversely affected by the insertion of outside signals on the same wire. Broadband networks are highly susceptible to signal impairments from sources ranging from incidental electrical noise to over-the-air broadcast signals, a situation which would be magnified dramatically by the intended insertion of signals generated outside the cable plant.

I have attached a paper created by Kevin Casey of Continental which provides more detail on the "sharing" problem, including reference to the high costs of attempting to share the broadband wire, which would ultimately be borne by consumers.

Thank you for the opportunity to participate in this proceeding.

Very Truly Yours,



Enclosures

cc: Greg Vogt, Esq.
Lisa Smith, Esq.
Maureen O'Connell, Esq.
Jill Luckett, Esq.
Mary McManus, Esq.
Merill Spiegel, Esq.

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SHARING COAX DROP FACILITIES
WILL NOT WORK AS A PRACTICAL SOLUTION

Consumer Impact:

- Service conflicts between the two providers will result in lower customer satisfaction
- Lower quality and reliability of service
- Potential complexity of customer equipment interface to multiple providers
- Customer ultimately pays the additional cost of installing additional equipment
- Services with particular two-way attributes may not be available to subscribers due to sharing facilities
- Bandwidth sharing constrains the incumbent cable provider from utilizing additional bandwidth to add new services
- The potential for theft of service is greatly increased

Technical Implications:

- Who is responsible for signal leakage and ultimately FCC compliance at the customer interface
- Filtering degrades the quality of the video signal overall and directly affects upper and lower adjacent channels
- Over ten additional points of failure between the tap and the TV set will result in lower overall reliability
- Two-way transmission of signal will be affected by the additional signal attenuation caused by filters and splitters. Broadband noise from second provider will also affect performance.
- Lack of isolation between the two providers at any point in the drop system will result in spurious (unwanted) signals appearing in the other providers signals
- An additional amplifier would be required for every drop which will change the performance specifications of the signals at the TV and may require redesign in the cable plant
- Additional amplifier in the Communications Closet will require A/C power which is typically not found in those locations

SHARED DROP WIRING